

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)
2,140.00**Complete if Known**

Application Number	10/699,131
Filing Date	October 31, 2003
First Named Inventor	Michael Ernest Garrett
Examiner Name	
Art Unit	3721
Attorney Docket No.	98B112 (CIP2)

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

02-2865

The BOC Group, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$)	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Total Claims	Extra Claims	Fee from below	Fee Paid
		-20** =	X	
Independent Claims		-3** =	X	
Multiple Dependent				

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)				(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	2,010
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	\$130
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)
2,140.00**SUBMITTED BY**

(Complete (if applicable))

Name (Print/Type)	Philip H. Von Neide	Registration No. (Attorney/Agent)	34,942	Telephone	908-771-6402
Signature				Date	August 27, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/699,131
Filing Date	October 31, 2003
First Named Inventor	MICHAEL ERNEST GARRETT
Art Unit	3721
Examiner Name	
Attorney Docket Number	98B112 (CIP2)

Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please Identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Philip H. Von Neida Reg. No. 34,942
Signature	
Date	AUGUST 27, 2007

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Betty Lee		
Signature		Date	August 27, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IFW ✓

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of Michael Ernest Garrett
S/N: 10/699,131
Filed: October 31, 2003
For: "Method of Filling and Sealing"
Atty. Dkt.: 98B112 (CIP2)

Art Unit: 3721

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence and every writing referred to herein as being enclosed is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 27, 2004.
(Date)

Betty Lee
Printed name of person signing this certificate

Betty Lee
Signature of person mailing

Response to Notice to File Missing Parts and Petition Under 37 CFR 1.47(b)

Dear Sir:

Assignee respectfully requests that the application be made on behalf of Michael Garrett. Further, pursuant to 37 CFR 1.47(b), Assignee is submitting along with the petition fee a summary of their efforts to obtain a signature.

Assignee is further submitting the oath and declarations signed by Michael Garrett in the two parent patent applications.

On October 31, 2003, the subject application was filed as a Continuation-in Part Application in the USPTO. The application listed one inventor: Michael Ernest Garrett.

On February 5, 2004, Ms. Betty Lee originally sent via inter-office mail to Mike Wickham, Associate Counsel, at The BOC Group plc, an English Company of Chertsey Road, Windlesham, Surrey GU20 6HJ, England, declaration, power of attorney and assignment forms for forwarding to Michael Garrett. This request was never responded to. A copy of the forms and request is attached hereto.

08/31/2004 WASFAW1 00000061 022865 10699131

01 FC:1460 130.00 DA

On March 30, 2004, Ms. Lee emailed Mr. Wickham referencing the earlier February 5, 2004, letter. A response from Mr. Wickham on March 30, 2004, indicated that Mr. Garrett had suffered a stroke and lost the ability to write. (copy attached)

On May 26, 2004, Ms. Lee spoke with Mr. Wickham regarding the unsigned declaration. Mr. Wickham's response was that Mr. Garrett will not be signing the declaration.


On May 27, 2004, Ms. Lee emailed Mr. Wickham requesting the name and residence of Mr. Garrett's legal representative. No response was ever received to this request. (copy attached)

There has still been no response to the requests made for the signature of Mr. Garrett on the declaration, power of attorney and assignment forms. As such, in light of the above-stated facts and the attached petition fee, Assignee respectfully petitions that this application be accepted without Mr. Garrett's signature.

The Commissioner is hereby authorized to charge to Deposit Account No. 02-2865 the fee required under 37 CFR 1.116(e). Assignee further request that a five-month extension be granted for Applicants' response to the Filing of Missing Parts. Authorization is hereby given to charge such extension fee, or any additional fees that may be due, to Applicants' Deposit Account 02-2865. Should there be any unresolved issues, please feel free to contact the undersigned at the phone number listed below.

Respectfully submitted,

Date: August 27, 2004
The BOC Group, Inc.
Legal Services-Intellectual Property
575 Mountain Avenue
Murray Hill, NJ 07974


Philip H. Von Neida
Attorney for Applicant(s)/Assignee
Reg. No. 34,942
(908) 771-6402

Enclosures
Request & Forms
Petition for Extension of Time
Fee Transmittal

PVN:bjl